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020604

U.S.P.T.O.

PTO/SB/05 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	MBX 017 CON (2)
First Inventor	Gjalt W. Huisman
Title	Biological Systems for Manufacture of Polyhydroxyalkanoate Polymers Containing 4 Hydroxyacids
Express Mail Label No.	EL 717 745 679 US

17491 US PTO 16

020604

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i></p> <p>2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p>3. <input checked="" type="checkbox"/> Specification [Total Pages <u>39</u>] <i>(preferred arrangement set forth below)</i> <ul style="list-style-type: none"> <li>- Descriptive title of the invention</li> <li>- Cross Reference to Related Applications</li> <li>- Statement Regarding Fed sponsored R &amp; D</li> <li>- Reference to sequence listing, a table, or a computer program listing appendix</li> <li>- Background of the Invention</li> <li>- Brief Summary of the Invention</li> <li>- Brief Description of the Drawings <i>(if filed)</i></li> <li>- Detailed Description</li> <li>- Claim(s)</li> <li>- Abstract of the Disclosure</li> </ul> </p> <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets <u>14</u>]</p> <p>5. Oath or Declaration [Total Sheets <u>3</u>]       <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> Newly executed (original or copy)</li> <li>b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i> <ul style="list-style-type: none"> <li>i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</li> </ul> </li> </ul> </p> <p>6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p>	<p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</p> <p>8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> Computer Readable Form (CRF)</li> <li>b. <input type="checkbox"/> Specification Sequence Listing on:           <ul style="list-style-type: none"> <li>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</li> <li>ii. <input checked="" type="checkbox"/> Paper</li> </ul> </li> <li>c. <input checked="" type="checkbox"/> Statements verifying identity of above copies</li> </ul> </p>
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**ACCOMPANYING APPLICATION PARTS**

<p>9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet &amp; document(s))</p> <p>10. <input checked="" type="checkbox"/> 37 CFR 3.73(b) Statement <i>(when there is an assignee)</i></p> <p>11. <input type="checkbox"/> English Translation Document <i>(if applicable)</i></p> <p>12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449</p> <p>13. <input checked="" type="checkbox"/> Preliminary Amendment</p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i></p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i></p> <p>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.</p> <p>17. <input checked="" type="checkbox"/> Other: Items 9, &amp; 10 are copies from..... Serial No. 10/006,915.....</p>	<p><input checked="" type="checkbox"/> Power of Attorney</p> <p><input type="checkbox"/> Copies of IDS Citations</p>
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18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

Continuation       Divisional       Continuation-in-part (CIP)      of prior application No.: 10/006,915

Prior application information: Examiner Charles L. Patterson, Jr. Art Unit: 1652  
 For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.  
 The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

Customer Number: 23579      OR       Correspondence address below

Name	Patrea L. Pabst, Holland & Knight LLP				
Address	2000 One Atlantic Center 1201 West Peachtree Street				
City	Atlanta	State	GA	Zip Code	30309-3400
Country	United States of America	Telephone	(404) 817-8473		Fax (404)817-8588
Name (Print/Type)	Patrea L. Pabst, Esq.	Registration No. (Attorney/Agent)	31,284		
Signature	Date <u>February 6, 2004</u>				

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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U.S.P.T.O.

PTO/SB/17 (10-03)

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 428.00)

## Compl. te if Known

Application Number	Continuation of 10/006,915
Filing Date	February 4, 2004
First Named Inventor	Gjalt W. Huisman
Examiner Name	
Art Unit	
Attorney Docket No.	MBX 017 CON (2)

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number	50-1868
Deposit Account Name	Holland & Knight LLP

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	385.00
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ 385.00)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20*	= 0	x 9.00 = 0.00
15	4		-3**	= 1	x 43.00 = 43.00
					0 = 0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$ 43.00)

\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00)

(Complete if applicable)

Name (Print/Type)	Patrea L. Pabst	Registration No. (Attorney/Agent)	31,284	Telephone	(404) 817-8473
Signature				Date	February 6, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

MBX 017 CON (2) - 077832/00154

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Gjalt W. Huisman, Frank A. Skraly, David P. Martin, and Oliver P. Peoples

Serial No.: Continuation of 10/006,915      Express Mail Label  
No. EL 717 745 679 US

Filed: February 6, 2004 Date of Deposit: February 6, 2004

For: **BIOLOGICAL SYSTEMS FOR MANUFACTURE OF  
POLYHYDROXYALKANOATE POLYMERS CONTAINING 4-HYDROXYACIDS**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR FILING A CONTINUATION APPLICATION  
UNDER 37 C.F.R. § 1.53(b)**

Sir:

Pursuant to 35 U.S.C. § 21(a), as amended by Public Law 97-247, and 37 C.F.R. §§ 1.10 and 1.53(b), Applicants enclose for filing the attached new patent application entitled “*Biological Systems for Manufacture of Polyhydroxyalkanoate Polymers Containing 4-Hydroxyacids*”. This application is a continuation of pending prior application Serial No. 10/006,915 filed November 9, 2001, entitled “*Biological Systems for Manufacture of Polyhydroxyalkanoate Polymers Containing 4-Hydroxyacids*”, by Gjalt W. Huisman, Frank A. Skraly, David P. Martin, and Oliver P. Peoples, which is a continuation of U.S. Serial No. 09/156,809 filed September 18, 1998 (now U.S. Patent No. 6,316,262), which claims priority to U.S. Provisional Application Serial No. 60/059,373 filed September 19, 1997. The

Continuation of U.S.S.N. 10/006,915  
Filed: February 6, 2004  
**REQUEST FOR FILING A CONTINUATION**  
**APPLICATION UNDER 37 C.F.R. § 1.53(b)**  
Express Mail Label No.: EL 717 745 679 US  
Date of Deposit: February 6, 2004

application includes 1 page of abstract, 36 pages of specification, 2 pages of claims, 14 sheets of formal drawings, and a copy of the executed Declaration for Patent Application from prior application Serial No. 10/006,915.

Pursuant to 37 C.F.R. § 1.63(d), the copy of the executed Declaration for Patent Application included in the new application is a copy of the executed Declaration filed in parent application Serial No. 10/006,915, to which the new application claims benefit.

The inventorship for the claims in the new application is the same as in parent application Serial No. 10/006,915.

Enclosed are a Preliminary Amendment and an Information Disclosure Statement. Please amend the application in accordance with the Preliminary Amendment.

This application contains nucleic acid and/or protein sequences as defined in 37 C.F.R. § 1.821-1.825. The sequence listing for the new application is identical to the sequence listing for Serial No. 09/156,809, filed September 18, 1998, by Gjalt Huisman, Frank A Skraly, David P. Martin and Oliver P. Peoples. Sequence listings in computer readable form were submitted in application Serial No. 09/156,809 on April 10, 2000. No subsequent sequence listing was submitted. Accordingly, pursuant to 37 C.F.R. § 1.821(e), applicants hereby request that the computer readable form of the sequence listing submitted in application Serial No. 09/156,809 on April 10, 2000, be used as the computer readable form of the sequence listing for the new application. The application has a paper copy of the Sequence Listing incorporated therein.

Continuation of U.S.S.N. 10/006,915  
Filed: February 6, 2004  
**REQUEST FOR FILING A CONTINUATION**  
**APPLICATION UNDER 37 C.F.R. § 1.53(b)**  
Express Mail Label No.: EL 717 745 679 US  
Date of Deposit: February 6, 2004

I declare that the material in the prior sequence listing is identical to the paper copy of the Sequence Listing present in the new application, that the Sequence Listing does not add new matter to the application, and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Enclosed from prior application Serial No. 10/006,915 are copies of the (a) Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers; (b) Statement Under 37 CFR §3.73(b); and (c) Notice of Recordation of Assignment of rights from Gjalt W. Huisman, Frank A. Skraly, David P. Martin, and Oliver P. Peoples to Metabolix, Inc.

Also enclosed are an (a) Application Data Sheet; (b) Utility Patent Application Transmittal; and (c) Fee Transmittal.

This application is entitled to claim small entity status pursuant to 37 C.F.R. § 1.27.

The Commissioner is hereby authorized to charge the amount of \$428.00 to Deposit Account No. 50-1868 to cover the filing fee for a small entity. It is believed that this is the proper filing fee since the application includes 4 independent claims and a total of 13 claims upon entry of the enclosed Preliminary Amendment.

The Commissioner is further authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1868.

The power of attorney in the prior application is to Patrea L. Pabst.

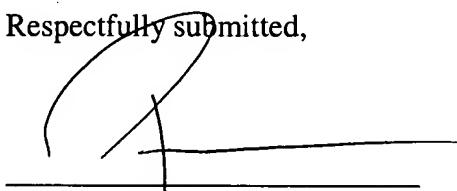
Continuation of U.S.S.N. 10/006,915  
Filed: February 6, 2004  
**REQUEST FOR FILING A CONTINUATION**  
**APPLICATION UNDER 37 C.F.R. § 1.53(b)**  
Express Mail Label No.: EL 717 745 679 US  
Date of Deposit: February 6, 2004

All correspondence concerning this application should be mailed to:

Customer No. 23579  
Patrea L. Pabst, Esq.  
**HOLLAND & KNIGHT LLP**  
2000 One Atlantic Center  
1201 West Peachtree Street, N.E.  
Atlanta, GA 30309-3400

This application is being filed on February 6, 2004, by mailing the application to  
Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450 via the United States Postal Service "Express Mail Post Office to Addressee"  
Service under 37 C.F.R. § 1.10. The Express Mail Label number appears in the heading of this  
paper which is attached to the application papers pursuant to 37 C.F.R. § 1.10(b).

Respectfully submitted,



\_\_\_\_\_  
Patrea L. Pabst  
Reg. No. 31284

Date: February 6, 2004

HOLLAND & KNIGHT LLP  
2000 One Atlantic Center  
1201 West Peachtree Street, N.E.  
Atlanta, Georgia 30309-3400  
(404) 817-8473 (Telephone)  
(404) 817-8588 (Fax)

Continuation of U.S.S.N. 10/006,915  
Filed: February 6, 2004  
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Express Mail Label No.: EL 717 745 679 US  
Date of Deposit: February 6, 2004

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10**

I hereby certify that this paper and any documents referred to as attached or enclosed are being deposited with the United States Postal Service on this date, February 6, 2004, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Express Mail Label No. EL 717 745 679 US, addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
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Pam Turnbough

Date: February 6, 2004

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